




Speech By
Michael Hart

MEMBER FOR BURLEIGH

**CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND
SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL 2012**

 **Mr HART** (Burleigh—LNP) (10.02 pm): I rise to also contribute to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. This legislation was a key part of the six-month action plan released by the Premier of this state and the LNP government for the period June to December 2012. As we all know, it implements a pre-election commitment to introduce unexplained wealth orders and drug-trafficking declarations. Most Australian jurisdictions already have this legislation in place and tonight the Queensland government will catch up to them. The passage of this legislation will ensure that Queensland will not become a safe haven for criminals with dirty money, black money and the cash economy.

This bill talks about unexplained wealth. As a member coming from the Gold Coast, I can tell honourable members that the Gold Coast is a place where there is quite a bit of unexplained wealth. Every day we see people who do not appear to have a job and yet they have a flash car; they have massive boats on the Gold Coast—and there are quite a number of them—they have huge houses and some of them have multiple houses; and, as I said, they do not appear to have a job. They seem to be able to walk our streets seven days a week and carry on their activities in a free manner.

I stood for election twice before I was elected at the last election and I stood on a platform of being tough on crime. This government is doing exactly that with the legislation that we have introduced in the past 12 months with regard to hooning. Now if people get caught hooning for a second time, we will take their vehicle off them and we will crush it. That is a major step forward.

We are also being tough on graffiti and graffiti is a scourge on society. Those members in the House who have heard me speak before will know that graffiti is a passion of mine. I have actually picked a building in Burleigh and I endeavour to keep graffiti off that one particular building. Any time I see the graffiti there—I drive past this building every day—I will get out and I will paint over it straight away. That discourages those people from going out and vandalising our buildings.

As we have already heard from the member for Albert, in 2012 the health of Queenslanders report by our Chief Health Officer estimated that illicit drug use in Queensland cost society \$1.6 billion in 2004-05 with an estimated \$39 million of that spent on health care. There is undoubtedly a link between illicit drug use and other criminal activity. Criminal activity is, of course, motivated by a desire to make a large amount of money. Tonight we have heard quite a few members in this House talk about the fact that criminals conduct their criminal activity to make money. We are introducing legislation in this place to take that money away from them if they are caught, and that has to be a massive detriment to people conducting criminal activities. If they do not get to keep the money, they will stop committing crimes. It is like one and one makes two. If you take the money away, the criminal activity will eventually dry up. There is no doubt in my mind that is exactly what will happen.

I mentioned the cash economy earlier. In 1996 the Howard government brought in the GST for exactly that reason: to dry up that cash economy. It was about figuring out where this unexplained wealth was coming from and keeping a record of who was spending what amount of money so we could do what we are doing tonight: bringing in this law to claim back that unexplained wealth.

Drugs and criminality are a scourge on society. We have already heard from the member for Mermaid Beach tonight that there are a number of people who have amassed figures like \$100 million. If five or six people in this country have amassed \$100 million with no form of income that can readily be seen, how is it that they are doing that? It is pretty obvious—in my mind at least—that they are involved in some sort of criminal activity. This bill gives us the opportunity to rip that money out from underneath them. Some people have \$10 million in the bank and others have \$5 million. If they do not have any form of income, how is it that they have that money?

This scheme will be administered by the Crime and Misconduct Commission. They will be able to apply for the assets of offenders to be frozen before this determination is actually made. The onus of proof is to be reversed onto the person to show that their wealth was lawfully acquired.

It is very important that there are safeguards in place to protect those individuals who are doing the right thing. The provisions of this legislation will not be proceeded with unless there is reasonable suspicion that people are involved in some sort of criminal activity. Therefore, there will be no reversal of the onus of proof unless criminal activity can be reasonably suspected. The Supreme Court has a discretion to refuse to make an order if it is not satisfied that it is in the public interest to enforce the law, and the Supreme Court can reduce the amount that would otherwise be payable under the order if it is in the best interests of the public to do so. This bill also provides for the widening of the information that can be obtained from financial institutions and increases the penalty for not complying.

As I said earlier, I have been the representative for Burleigh for 12 months. Some 395 Burleigh constituents have raised with me that crime and law and order are some of their main concerns. Some 10,456 Burleigh constituents are over the age of 60—almost a third of my electorate—and, of course, they want a safe place to retire.

It is no surprise to me that the Labor Party will not be supporting this legislation. This legislation is aimed at criminal activity, but I imagine the Labor Party would be quite concerned about unexplained wealth in some of their associated entities, such as unions. There is no doubt in my mind that there would be quite a bit of unexplained wealth within the hierarchy of the AWU. There would be quite a bit of unexplained wealth in the hierarchy of the CFMEU. And we already know that there is quite a bit of unexplained wealth in the HSU in New South Wales. There is no doubt in my mind that that is exactly why Labor will not be supporting this legislation. They are protecting their union mates.